



## Mid-Month Council Meeting Minutes December 17, 2014

**Meeting: 7:00 pm**

**I. Call to Order: 7:00 pm**

**II. Opening Ceremonies**

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green
- b. Recognition of Visitors: Dwain Haines, Rob Allen, and Mr. Hynal
- c. Pledge of Allegiance: Pledge was said
- d. Mayor Hatton asked all to remain standing for a moment of silence for CW Robin Burgess from Middletown who passed away unexpectedly on 12/16/14.
- e. Announcements:
  - (Revised) Christmas Holiday Town Hall Closing Schedule:
    - i. Wednesday, December 24, 2014 closing at noon,
    - ii. Thursday, December 25, 2014 CLOSED
    - iii. Friday, December 26, 2014 CLOSED
      - i. Mayor Hatton explained that the Governor closed all state offices on Friday 12/26/14, the day after Christmas. New Castle County followed suit as did many other Towns in the State. I suggested the Town also close on Friday and move the half day off to December 24<sup>th</sup>, Christmas Eve Day. Because it is in our employee handbook to close half a day the day before Christmas Eve, close Christmas Eve and Christmas Day, I would like a motion to change the employee days off.
      - ii. CM Ness motioned, CM Sutton seconded with unanimous vote to change the holiday schedule to half day 12/24, close 12/25 and 12/26.
  - Town Hall closed Thursday, January 1, 2015 for New Year's Day.

**III. Additions/Deletions to Published Agenda**

- a. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda as written.

**IV. Council Minutes**

- a. Approval of November 26, 2014 Mid-month minutes
  - CW Gorman motioned, CM Ness seconded with unanimous vote to accept the minutes as published.
- b. Approval of December 3, 2014 Council minutes
  - CW Gorman motioned, CM Ness seconded with unanimous vote to accept the minutes as published.

**V. Mayor's Report**

- Possible annexation of two new properties; Parcel No.'s: 14.015-00.021 & 14.015-00.204
- Mayor Hatton explained Mr. Hynal is here this evening. He is in the process of acquiring these two properties.

- Mr. Hynal stated they go to settlement on January 15, 2015.
- Mayor Hatton stated the annexation process cannot start until Mr. Hynal owns the property.

These two properties are across the street from TVI. There are 3 parcels; one parcel is already in Town limits. He reached out to the County and was told that regardless if the property is inside or outside of Town; it will come off the Town sewer capacity. As all know, we have been fighting the County about our sewer allocation and this is not going to happen. It will become moot once they are annexed into Town.

- Mr. Hynal asked if once he is annexed into Town, what would be the next step to get sewer to the property.

- CW Gorman said she will give Mr. Hynal Dale Street's contact information for the county. He processes all the sewer applications.

## **VI. Reports**

- a. Fred Townsend III, Town Attorney – nothing to report
  - Talked to contacts in Dewey Beach and the police department would be happy to talk to you about security cameras.
- b. Owen Hyne, Town Engineer – nothing to report
- c. Dawson Green, Town Manager
  - The annexation for 141 Main Street was approved by the State. Does Council want to keep the property as two separate parcels or do you want it to be one large parcel?
  - After discussion, CM Ness motioned, CW Gorman seconded with unanimous vote to combine the 2 parcels at 141 Main Street into one parcel, currently parcels 25-002.00-021 and 14-016.01-046.
  - TM Green said for clarification, any parcel starting with 25 is dedicated to incorporated Townsend.
  - Met with a representative from Delmarva last week. He disabled 5 of the Cobra overhead lights so we can see if the new lights will give out enough light.
  - DelDot called and said the one way road signage should be installed within the next couple weeks.

## **VII. Committee Reports**

- a. Finance: Chair – Mayor Jermaine Hatton
  - Rowland and Johnson will be back January 9<sup>th</sup> to complete the field work for the annual audit. The reports recently sent to them took care of some of the issues. Debbie would like to come to the January or February mid-month meeting to give her report.
  - We got some service charges from PNC on the last statement, met with them to find out why with what we have on deposit and they are looking into it. One of the charges came from the audit confirmation letter.
  - CM Ness asked if it is Council's preference on whether Debbie comes in January or February, or does it depend on when the audit is done.
  - Mayor Hatton stated both. They are getting into tax season and want to wrap up as soon as they can with the audit, will depend on that.
- b. Public Works: Chair - CM Rudy Sutton
  - Progress Report of work @ 141 Main Street
    - All the trees have been removed, can at least see the property now. Took care of the issue with the neighboring property with the trees hanging over the house.
    - The next thing to focus on is to remove the shed on the property.
  - Discuss and approve final floor plan of new Town Hall
    - Everyone agreed on layout number 3 for the floor plan. Early on I questioned having the Town Manager on the second floor when we first saw this floor plan, for convenience and having the Town Manager mixed in with the staff. If we are going to do the project, don't believe we should have everyone on top of each other. The draft from TE Hyne shows the first and second floor being completed with improvements on the third floor. I believe the smartest thing we can do is go with the first floor as drawn and the second floor partially finished. This will save us money right now and we won't have a lot of excessive finished space not being used. Would like to close off half the second floor for now and have the Town Manager office up there and possibly finish the other office on the second floor now. The bathroom will also be finished on the second floor.
    - TE Hyne said it could certainly be done this way. Rooms can be left roughed in for future renovation.
    - Mayor Hatton asked if the 4' hallway on the first floor is ADA compliant and TE Hyne said yes.
    - TE Hyne stated Dave will ensure everything is ADA compliant as the plans move along.
    - CW Gorman asked is the Town needs to give the neighbors using our driveway a written notice when construction starts and that they will no longer be able to use the driveway.
    - Mayor Hatton said he feels to be more neighborly, he thinks a knock on the door should be done.

- CM Sutton stated he has communicated with them throughout the tree cutting process. As long as we give them a heads up they will be OK.
  - CM Ness stated they expressed concern about the barn falling on their property.
  - Mayor Hatton said their fence is on our property.
  - CW Gorman asked if we could put a sign up that says “Future site of Town Hall”?
  - TE Hyne said this is a common practice once you get into the construction phase.
  - Mayor Hatton asked TE Hyne to have a large poster board of the New Town Hall at the January 7, 2015 Council meeting.
  - CM Sutton asked if Council is OK with the first floor and should we motion or does Council want TE Hyne and I to work on the plans some more.
  - TE Hyne suggested motioning to approve layout #3 and he will continue to work on the changes that Council will have to approve.
  - CM Sutton motioned to approve layout #3 of the future Town Hall of Townsend, CM Ness seconded with unanimous vote.
- c. Land Use & Development: Chair – Mayor Jermaine Hatton
- Discussion and possibly vote to engage in discussion with Chesapeake Utility to update current franchise agreement.
    - Mayor Hatton said he met with Daryl Wilson and Vinnie from Chesapeake Utility last week about this issue. The last time the agreement was updated was 2003. Based upon our discussion, there are some minor changes throughout the state that could come into play here. I would like permission from Council to have a formal discussion with them to gather information on potential things we could do in Town with all of our changes.
    - CM Ness motioned to have Mayor Hatton and TM Green meet with and review/update the current franchise agreement with Chesapeake Utilities. CM Sutton seconded with unanimous vote.
  - Discussion and possibly vote on waiving of Performance Bond Requirement for Phase 3C (Gray Street Properties, LLC – Townsend Village II)
    - Gray Street Properties has requested the Town to waive the performance bond for Phase 3C in Townsend Village II.
    - Rob Allen stated they are preparing to move ahead with this phase which is somewhat in the middle of Ginn Street. Phase A & B and almost done, hope to top the streets in the spring and turn them over to the Town. Currently the bonding requirements are a bond of 120% of construction costs. The bonding is still very hard to acquire from banks. We are asking the Town to not eliminate the bond, but permit us to start the infrastructure work and prior to building on the lots we will provide a bond. This has been granted in the past and has worked very well.
    - CM Ness asked TM Green is there are any outstanding items Gray Street needs to do before we consider granting this bond relief.
    - TM Green stated he and Rob have already discussed this.
    - Mr. Allen stated he believes Gray Street Properties has done everything possible on the lands they own that they can. I believe you may be referring to pot holes and things in Townsend Village I. We were just notified several weeks ago and are waiting for vendors to reply. Our plan is once the weather warms up to meet with TE Hyne and Inspector Naples to go over the roads and note all that has to be done so we can top coat them and turn them over to the Town.
    - TE Hyne said he believes it is in the best interest of the Town to wait until spring to mark the roads and topcoat them and the other condition will be to keep heavy construction equipment off the newly top coated streets. It will have to be a dedicated street.
    - Mr. Allen agreed and said in Townsend Village II they installed a well-defined hull road off Ginn Street. He stated they have included extending the hull road to this phase in the contract. We intend all construction traffic to use this hull road. In Townsend Village I we have a less defined hull road coming off

Caldwell Corner Road. Any future construction traffic will use this hull road and not come through the development. Not sure what the warranty is for topping roads in Town, DelDot requires a 3 year warranty.

- TE Hyne stated it is either 18 months or 2 years.
- Mr. Allen said it certainly in their interest not to run heavy construction equipment over the finished roads.
- Mayor Hatton asked Mr. Allen about the eyesore sitting at the entrance of TVII East, the sales trailer.
- Mr. Allen said it will be done in the next couple weeks. The people who delivered it got stuck. It isn't shored up or straight. Mr. Naples told me per code, the trailer will be there more than 180 days and therefore has to have a permanent foundation. We are going to sink the trailer so it doesn't require a ramp and will be nice when it is done.
- CM Ness asked if this needs to be included in the motion with a time limit.
- Mayor Hatton said no, Gray Street has always worked very well with the Town.
- CM Ness motioned, CM Sutton seconded with unanimous vote to defer the construction bonding process for Gray Street Properties, LLC for Phase 3C, 18 lots, and they will supply a 120% performance bond for any remaining work prior to applying for building permits.
- Mr. Allen thanked Council and would be happy to come to any meeting to give updates is Council so wishes.

d. Community Relations: Chair – CW Cindy Cook

- Discussion and possible approval of Holiday greeting in Transcript

1. CW Gorman said we put a Holiday greeting in the Transcript last year and they would like to know if we want to do it again this year. A 1/4 page ad is \$169.00.
2. CW Cook asked if Council feels it is worth spending \$169.00.
3. Mayor Hatton said he feels it is very positive and feels anything Council can do to be positive is a good thing. It should be a very prosperous New Year.
4. CM Sutton stated he is in favor of this.
5. CW Cook motioned, CW Gorman seconded to run a Holiday greeting in the Middletown Transcript.
6. CW Cook amended her motion, CM Sutton seconded with unanimous vote to run a ¼ page Holiday greeting for \$169.00 in the Transcript.

- Council has been invited to the annual gala for the Chamber of Commerce. She gave all of Council information on the event.

e. Public Safety: Chair – CM John Ness

- TE Hyne passed some information on some grant money and I emailed the woman about this. Copied the Mayor on the email. Looking for more information. Also waiting to hear from Dewey Beach about the security cameras. Am looking at several companies that provide hunting/security cameras.

- If anyone sees anything please call 911 and contact me.
- Nothing from the police to pass on other than stay safe over the Holidays.
- Mayor Hatton asked if there will be additional patrols starting Friday night when kids are out of school for break.

- CM Ness said he has asked for additional patrols.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Christmas Caroling in the Park, Sunday, 12/21/14 @ 2:00 pm

1. Pastor Ruthann Simpson from the United Methodist Church on Main Street will lead the caroling. She is very excited and provided me song collections. I typed the words into a book so everyone has the words. Flyers have been dropped off at all business and the MOT Senior Center. It is on our Webpage and Facebook and will be in the Transcript tomorrow. Should only last about 45 minutes. We want to make it fun. There will be props for people to hold up during the 12 Days of Christmas. All of Council agreed to come.

- Update on NWF events and promotions

1. On 12/9/14 we had our bi-monthly conference call.

2. National Wildlife week will be in March. Last year we did the nature walk at Blackbird Creek Reserve. This year's theme is living with wildlife and looking for suggestions on what we could do this year. We would like to get people out that week. Also helps keep our certification. We could get 100 tree seedlings from NWF for free but would have to have 100 people plant them and they would have to be monitored by NWF. Planting the seedlings would be fun for a family and is good for the wildlife. There are a lot of initiatives to promote pollinators. One of the big things NWF will do in March is for the Monarch butterflies. They will have a pledge people have to sign up for. The people will get kits with seeds to plant to attract Monarchs.

- Discussion and possible approval of proposal submitted by Mid-Atlantic Electric to:
  - a. Rewire the lights for Pavilion and Gazebo to have an independent circuit for the photo cells.
  - b. Install electric receptacle on 4 x 4 post in the island.
  - c. At the last meeting we discussed the vandalism and that all lights are connected to one circuit.
  - d. In all folders are bids from Mid-Atlantic, one showing the pavilion and gazebo having independent circuit for the photo controlled light fixture. Really feel we need to do this.
  - e. CM Ness asked if the photo cells are in the right location.
  - f. TE Hyne said they are; they are located outside the structure where they should be.
  - g. Mayor Hatton asked if the photo cells are located in a position that they could be broken and was told yes, however they would have to look for it.
  - h. CW Gorman motioned, CM Ness seconded with unanimous vote to have Mid-Atlantic Electric rewire the lighting in the pavilion and gazebo and install individual circuits for the photo cell fixtures. The proposal is for \$675.00.
  - i. Mayor Hatton reminded all present that half of this fee will be paid by grant money.
  - j. CW Gorman said when the conduit was run in the park, there was some run for a receptacle in the middle island where the Christmas tree is. The second proposal in Council's packet is to put a receptacle there to light the Christmas tree and to have some extra lighting if needed. We could also potentially put a floodlight in to light the flags. This proposal is \$775.00.
  - k. CW Gorman motioned, CM Ness seconded to have Mid-Atlantic install a receptacle on a 4x4 post in the island for \$775.00.
  - l. CM Ness asked if we have the ability to turn this off and on.
  - m. TE Hyne said it will be on its own circuit that we will turn off and on from the locked box by the gazebo.
  - n. TM Green questioned the receptacle being on a post, he recommends it be flush with the ground.
  - o. After further discussion Council decided to wait to do this receptacle to ensure it will be in a secure box.

#### **VIII. Citizens Comments & Participation:**

- a. TM Green said Waste Industries will pick up Christmas trees on Monday, January 5, 2015 at no extra charge.
- b. CM Ness referenced a complaint about an abandoned vehicle in TVII that TM Green sent a letter to the owner. The vehicle has been moved from the road.

**IX. Motion to Adjourn for Executive Session:** CM Ness motioned, CW Gorman seconded with unanimous vote to adjourn the public meeting to go into executive session.

#### **X. Executive Session:**

- a. Discussion of Town personnel matters in which the names, competency and abilities of individual employees are discussed pursuant to 29 Del.C. 10004 (b) (9).

**XI. Motion to close Executive Session & Re-convene Mid-Month Meeting:** CW Gorman motioned, CM Ness seconded with unanimous vote to reconvene the mid-month meeting to adjourn.

**XII. Adjournment:** CW Gorman motioned, CM Ness seconded with unanimous vote to adjourn.

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